

I certify that the attached is a true and correct copy of HJR 65, which was filed of record on MAR 1 1983

and referred to the committee on:

State Affairs

Betty Murray
Chief Clerk of the House

1983 APR 15 AM 8:27
HOUSE OF REPRESENTATIVES

FILED MAR 1 1983

By Haley Webb

H J.R. No. 65

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the payment of
2 assistance to the surviving dependent parents, brothers, and
3 sisters of certain public servants killed while on duty.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. That Article III, Section 51-d, of the Texas
6 Constitution be amended to read as follows:

7 Sec. 51-d. The Legislature shall have the power, by general
8 law, to provide for the payment of assistance by the State of Texas
9 to the surviving spouse, [and] minor children, and surviving
10 dependent parents, brothers, and sisters of officers, employees,
11 and agents, including members of organized volunteer fire
12 departments and members of organized police reserve or auxiliary
13 units with authority to make an arrest, of the state or of any
14 city, county, district, or other political subdivision who, because
15 of the hazardous nature of their duties, suffer death in the course
16 of the performance of those official duties. Should the
17 Legislature enact any enabling laws in anticipation of this
18 amendment, no such law shall be void by reason of its anticipatory
19 nature.

20 SECTION 2. This proposed constitutional amendment shall be
21 submitted to the voters at an election to be held on November 6,
22 1984. The ballot shall be printed to provide for voting for or
23 against the proposition: "The constitutional amendment authorizing
24 the legislature to provide for payment of assistance to the

- 1 surviving dependent parents, brothers, and sisters of certain
- 2 public servants killed while on duty."

HOUSE COMMITTEE REPORT

1983 APR 20 AM 9:43
HOUSE OF REPRESENTATIVES

1st Printing

By Hall of Webb

H.J.R. No. 65

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H.J.R. No. 65

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COMMITTEE REPORT

4-18-83

(date)

The Honorable Gib Lewis
Speaker of the House of Representatives

Sir:

We, your COMMITTEE ON STATE AFFAIRS, to whom was referred HJR 65 have had the same under consideration and beg to report back with the recommendation that it (measure)

- (☒) do pass, without amendment.
(☐) do pass, with amendment(s).
(☐) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (☒) yes (☐) no

An author's fiscal statement was requested. (☐) yes (☒) no

An actuarial analysis was requested. (☐) yes (☒) no

The Committee recommends that this measure be placed on the (Local) or (Consent) Calendar.

This measure (☒) proposes ~~new law~~ an amendment to the Constitution
(☐) amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Laney, Ch.			C	
Ceverha, V.C.	✓			
Millsap, C.B.O.	✓			
Bomer	✓			
Bush				✓
Davis	✓			
Gilley				✓
Green	✓			
Hill, P.	✓			
Horn	✓			
Keller	✓			
Pennington				✓
Short	✓			
Smith, C.	✓			
Stiles	✓			

Total
11 aye
0 nay
1 present, not voting
3 absent

H. Laney
CHAIRMAN
Thynolds
COMMITTEE COORDINATOR

H.J.R. 65
By: Hall

Committee on State Affairs

BILL ANALYSIS

Background

Currently, the Legislature has the power to provide for the payment of assistance only to the surviving spouse and minor children of certain public officials killed while on duty.

Purpose and Synopsis

This resolution proposes to amend Article III, Section 51-d of the Texas Constitution to include within the State of Texas' payment of assistance the surviving dependent parents, brothers, and sisters of certain public servants killed while on duty. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 6, 1984.

Rulemaking Authority

It is the committee's opinion that this bill does not delegate rulemaking authority to a state officer, agency, department or institution.

Summary of Committee Action

Public notice was posted in accordance with the Rules of Procedure of the House of Representatives and a public hearing was held on April 18, 1983.

On April 18, 1983 the full committee voted to report H.J.R. No. 65 to the House without amendments and the recommendation that it do pass by a record vote of 11 ayes and 0 nays.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 18, 1983

Honorable James E. (Pete) Laney, Chair
Committee on State Affairs
House of Representatives
Austin, Texas

In Re: House Joint Resolution No. 65
By: W. Hall

Sir:

In response to your request for a Fiscal Note on House Joint Resolution No. 65 (providing a constitutional amendment relating to the payment of assistance to the surviving dependent parents, brothers, and sisters of certain public servants killed while on duty) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis or an appropriation of funds to implement the provisions of the bill.

The cost of publication of this resolution is \$59,050.

Assuming that the implementing legislation would be House Bill No. 1136 or similar legislation this resolution would authorize the Legislature to provide financial assistance to surviving dependent parents, brothers and sisters of certain individuals engaged in the protection of persons and property who suffer violent death in the course of their duty. The sum of such payment shall be a maximum of \$20,000 to the surviving dependent partents; \$200 per month to one surviving dependent brother or sister; \$300 per month if there are two surviving dependent brother or sister; and \$400 per month if there are more surviving dependent brothers or sisters. A dependent brother's or sister's entitlement is terminated when that person becomes 18 years old, and payments to other surviving dependent brothers and sisters shall be adjusted to conform to the schedule as outlined above. The financial assistance is payable out of the General Revenue Fund.

There is not sufficient data to determine the fiscal implication to the State of House Bill No. 1136.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Employees Retirement System; LBB Staff: JO, JH, KH, PA

1983 MAY 13 PM 10:34
HOUSE OF REPRESENTATIVES
**HOUSE
ENGROSSMENT**

By Hall of Webb

H.J.R. No. 65

A JOINT RESOLUTION

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17 Legislature enact any enabling laws in anticipation of this
18 amendment, no such law shall be void by reason of its anticipatory
19 nature.

20 SECTION 2. This proposed constitutional amendment shall be
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H.J.R. No. 65

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LEGISLATIVE BUDGET BOARD

Austin, Texas

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Committee on State Affairs
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Jim Oliver
Director

Source: Employees Retirement System; LBB Staff: JO, JH, KH, PA

1 By: Hall of Webb (Senate Sponsor - Traeger) H.J.R. No. 65
2 (In the Senate - Received from the House May 16, 1983;
3 May 17, 1983, read first time and referred to Committee on State
4 Affairs; May 27, 1983, reported favorably; May 27, 1983, sent to
5 printer.)

6 A JOINT RESOLUTION

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32 public servants killed while on duty."

33 * * * * *

34 Austin, Texas
35 May 27, 1983

36 Hon. William P. Hobby
37 President of the Senate

38 Sir:

39 We, your Committee on State Affairs to which was referred H.J.R.
40 No. 65, have had the same under consideration, and I am instructed
41 to report it back to the Senate with the recommendation that it do
42 pass and be printed.

43 Farabee, Chairman

H.J.R. 65 by Hall (Traeger)

Relating to proposing a constitutional amendment relating to the payment of assistance to the surviving dependent parents, brothers, and sisters of certain public servants killed while on duty.

Background Information:

Currently, the Legislature has the power to provide for the payment of assistance only to the surviving spouse and minor children of certain public officials killed while on duty.

Problems that the Bill Addresses:

This bill addresses a discriminatory situation in Texas Constitutional provision Article III, Section 51-d which provides payments of assistance to surviving spouses and minor children of married public servants, but not to unmarried public servants with dependents.

How This Bill Will Solve the Problem(s):

This bill rectifies the above-mentioned discrimination by providing assistance by the state of Texas to surviving dependent parents, brothers and sisters, as well as the surviving spouse and minor children of public servants killed in the line of duty.

This bill amends existing law.

Section by Section Analysis:

SECTION 1: Amends Article III, Section 51-d of the Texas Constitution to include within the State of Texas' payment of assistance the surviving dependent parents, brothers, and sisters of certain public servants killed while on duty.

SECTION 2: This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 6, 1984.

Changes in Agency Rulemaking Authority:

It is the committee's opinion that this bill does not delegate rulemaking authority to a state officer, agency, department or institution.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 18, 1983

Honorable James E. (Pete) Laney, Chair
Committee on State Affairs
House of Representatives
Austin, Texas

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F

ENROLLED

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H.J.R. No. 65

President of the Senate

Speaker of the House

I certify that H.J.R. No. 65 was passed by the House on May 13, 1983, by the following vote: Yeas 133, Nays 8, 1 present, not voting.

Chief Clerk of the House

I certify that H.J.R. No. 65 was passed by the Senate on May 28, 1983, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____
Date

Governor

RECEIVED: _____
Date

Secretary of State

H. J. R. No. 65

By Hall of White

HOUSE JOINT RESOLUTION

proposing a constitutional amendment relating to the payment of assistance to the surviving dependent parents, brothers, and sisters of certain public servants killed while on duty.

MAR 1 1983

1. Filed with the Chief Clerk.

MAR 14 1983

2. Read first time and referred to Committee on

State affairs

APR 18 1983

3. Reported favorably ~~(amended)~~ and sent to Printer at 4:10 pm ^{APR 19 1983}
(as substituted)

APR 20 1983

4. Printed and distributed at 9:43 am

APR 20 1983

5. Sent to Committee on Calendars at 10:15 am

MAY 13 1983

6. Read second time (amended) and (finally) passed ~~to Third Reading~~ by a Record Vote of 133 yeas, 8 nays, 1 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. _____ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. _____ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 13 1983

11. Ordered Engrossed at 4:36 pm

MAY 13 1983

12. Engrossed.

MAY 13 1983

13. Returned to Chief Clerk at 10:34 pm

MAY 16 1983

14. Sent to the Senate.

Betty Murray
Chief Clerk of the House

MAY 16 1983

15. Received from the House

MAY 17 1983

16. Read, referred to Committee on STATE AFFAIRS

MAY 27 1983

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

MAY 28 1983

20. Regular order of business suspended by U.C.
(~~a viva voce vote.~~)
(_____ yeas, _____ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 28 1983

22. Read second time passed to third reading by:
(~~a viva voce vote.~~)
(_____ yeas, _____ nays.)

23. Caption ordered amended to conform to body of bill.

MAY 28 1983

24. Senate and Constitutional 3-Day Rules suspended by vote of 30 yeas,
1 nays to place bill on third reading and final passage.


MAY 28 1983

25. Read third time and passed by

(a ~~Non-Record Vote~~)
(31 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:


Secretary of the Senate

5-29-83

26. Returned to the House.

MAY 29 1983

27. Received from the Senate (~~with amendments.~~)
(~~as substituted.~~)

28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

29. Conference Committee Ordered.

30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting)

MAY 29 1983

31. Ordered Enrolled at 4:30 pm

1983 MAY 13 PM 10:34

HOUSE OF REPRESENTATIVES

1983 APR 20 AM 9:43

SA